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DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil Gas and Mining

JOHN R. BAZA
Division Director

October 31, 2007

Certified Return Receipt Requested
7004 2510 0004 1824 9528

John A. Gefferth, Environmental Engineer
Consolidation Coal Company
P.O. Box 566
Sesser, Illinois 62884

Subject: Refuse Drainage to Pond 8 (Response to Notice of Violation #10005), Consol Coal Company, Emery Deep Mine, C/015/0015, Task #2852, Outgoing File

Dear Mr. Gefferth:

The above-referenced amendment has been reviewed in conjunction with satisfying the required abatement measures specified in Notice of Violation #10005. The submittal did not specify which abatement measure was selected to abate the Notice of Violation, but did provide drainage calculations where the pile is currently located. The abatement measures required by Notice of Violation #10005 required the selection of one of the following:

- (1) Place the refuse/waste disposal in the approved permanent disposal site, in accordance with the approved MRP and current regulations for refuse disposal and drainage. Update MRP as necessary to comply with regulations.
- (2) Design and receive approvals (Division/MSHA) for a new permanent refuse pile/waste disposal that meets current regulations for disposal and drainage. Place existing and future refuse/waste material in approved facility. Date due: August 13, 2007.

Note: The current location of the refuse material is not currently approved as a permanent storage location.

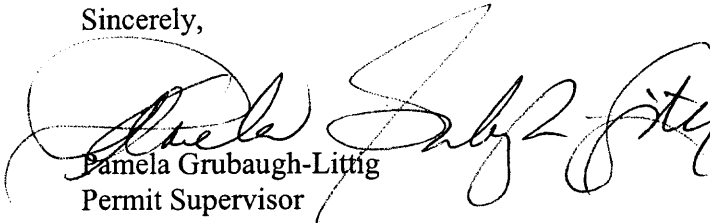
There are deficiencies in the information submitted for drainage control that must be adequately addressed if the current location of the refuse material is selected as a permanent location. A copy of our deficiencies is enclosed for your information. In order for us to continue to process this application and any required information required to abate Notice of Violation #10005, please respond within five (5) days of the receipt of this letter. The referenced five (5) days is the remaining time left to abate Notice of Violation #10005, before further enforcement action will be required.



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If you have any questions, please call me at (801) 538-5268 or Karl R. Houskeeper at (435) 613-3730.

Sincerely,



Pamela Grubaugh-Littig
Permit Supervisor

an
Enclosure
cc: Price Field Office
Daron Haddock
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Deficiencies List

Task ID #2852

SC = Steve Christensen
WHW = Wayne Western

R645-301-746.212- R645-301-746.212 requires that uncontrolled surface drainage may not be diverted over the outslope of the refuse pile. The Permittee must either provide the plans and designs for controlling the storm runoff generated from the top of the refuse pile or provide the Division with a demonstration that such runoff controls are unnecessary given the relative size of the refuse pile. SC

R645-301-746.212- R645-301-746.212 also requires that runoff generated from areas above the refuse pile and runoff from the surface of the refuse pile will be diverted into stabilized diversion channels designed to meet the requirements of R645-301-742.300 to safely pass the runoff from a 100-year, 6-hour precipitation event. The figure submitted to the Division in response to the violation, *Pond No. 8 Plan View and Drainage Map*, depicts a proposed permanent development waste disposal site approximately 100 to 200 feet away. However, upon review of the approved MRP and additional submitted materials, hydrologic calculations for the permanent development waste site are not provided. The Permittee must provide the hydrologic calculations, designs and plans for the stabilized channels that will be utilized at the permanent waste disposal site. SC

R645-301-536, The Permittee will include in the MRP a detailed description of how coal mine waste and underground development waste will be handled in the operation phase of the mine. At a minimum the Permittee will state the maximum volume/weight of refuse material that will be stored in the temporary storage site and the maximum amount of time that the material can stay there until the Permittee places the material in a permanent disposal facility.

The Utah coal rules do not mention temporary refuse material storage facilities. The Division understands the need for small amount of refuse material to be temporarily stored. The Division usually allows small amount such as 10-15 cubic yards of material to be temporarily stored for up to six months. The amount is usually based on the capacity of a haul/dump truck and the time to minimize the small loads being shipped.
WHW

R645-301-536.110 The Permittee must show that the refuse pile slopes will have a minimum safety factor of 1.5. WHW

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